Remarks

The Present Invention and the Pending Claims

The present invention relates generally to sending and receiving of short messages between wireless telephony users. More specifically, the present invention relates to the addition of speech capabilities to standard text messaging systems to create a multimodal short message service (SMS) service with the capability of uniquely identifying the messages and users in such a service..

Claims 1-4 and 6-19 are currently pending. Reconsideration and allowance of the pending claims is respectfully requested.

Summary of the Office Action

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst (US 20040019487), in view of Rukman (US 20040185883.

Amendments To The Claims

Claims 1 and 18 are currently amended.

Support for the amendment "creating [[the]] a voice message by recording said voice message on a multimodal platform;" in claims 1 and 18 can be found at paragraphs [0024] and [0026] of US publication No. 2008/0004046 A1 published on January 03, 2008.

Support for the amendment "wherein the message identifier comprises a user identifier combined with a network identifier, wherein the message identifier is assigned by a network pool," in claims 1 and 18 can be found at paragraphs [0027] through [0029] and FIG. **2** of US publication No. 2008/0004046 A1 published on January 03, 2008.

Claims 5 and 20 are canceled.

The office action states: "**Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst (US 20040019487), in view of Rukman (US 20040185883.**"

First, Kleindienst in view of Rukman does not teach or suggest all the limitations in claims 1 and 18. Applicant discloses a method of communicating a message in multimodal SMS communication between mobile communication devices using a multimodal platform. An initiating user of the multimodal service **creates a voice message by recording the voice message** on the multimodal platform and/or a speech server associated with the multimodal platform. The user may directly call the multimodal platform or reply to a previous multimodal SMS to create the voice recording. After the recording is completed and stored at the multimodal platform, **a text SMS message containing a link** is generated, which can be activated by a recipient to retrieve the voice message. The link embedded in the SMS message is created either at the recipient device or by using the multimodal platform, or by using a modified SMS center (see applicant's disclosure, paragraphs [0024] through [0027]). In effect, a multimodal SMS message containing both audio content and text content of the user is communicated to the recipient. Kleindienst in view of Rukman does not teach or suggest **creating a voice message by recording the voice message** on the multimodal platform. Kleindienst in view of Rukman also does not teach or suggest generating or embedding a link in a text SMS message, which when activated connects the recipient to the multimodal platform to retrieve or listen to the voice message (audio content of the message). In contrast, Kleindienst discloses, *inter alia*, a method and system for a multimodal input/output (I/O) interface **for composing SMS messages** by using speech input recognition at the user device and predefined message templates (see Kleindienst, paragraphs [0009], [0029] and [0031]), but does not disclose creating a multimodal SMS message containing audio content (or voice message). Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitations in claims 1 and 18:

"creating a voice message by recording said voice message on one or more of a multimodal platform and an associated speech server;" in claims 1 and 18, and

"generating an SMS message containing a link, which when activated allows a recipient to retrieve the voice message;" in claims 1 and 18.

Moreover, the references sought to be combined show no recognition of the problem(s) sought to be overcome by the applicant, namely a multimodal SMS mechanism for communicating speech (audio content) and other modalities with standard text SMS. This multimodal SMS mechanism allows users to **send and receive voice messages** associated directly with text SMS messages. In contrast, Rukman teaches away from the method claimed in claim 1, because Rukman discloses a system that converts an MMS message into a text SMS message **by removing the non-text information** (e.g. multimedia content) in the MMS message and sending the text-only SMS message to an SMS-only device (see Rukman, paragraphs [0011], [0035], and [0036]). Therefore, one skilled in the art would not likely consider combining the teachings of the references to arrive at the claimed invention.

Therefore, even if Kleindienst and Rukman are combined as suggested in the office action, there is no reasonable expectation of success in arriving at the invention claimed in claims 1 and 18. For the reasons stated above, applicant respectfully submits that claims 1 and 18 are not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 1 and 18 over Kleindienst in view of Rukman be withdrawn.

Second, even if the references are combined as suggested in the office action, the combination will still be inoperable for the purposes recited in the claims and will have deficiencies with respect to the claimed invention as a whole. Applicant discloses assigning a unique message identifier to the recorded voice message, wherein the **message identifier is a combination of a user identifier and a network identifier** and wherein the message identifier is **assigned by a network pool**. For example, a user identifier, 200(1) through 200(K) for K users, is combined with a network identifier (for

e.g., a telephone number), 202(1) through 202(L) such that each voice message recorded for a particular recipient is uniquely identified by this combination (see applicant's disclosure, paragraphs [0027] and [0029], and FIG. **2**). The message identifier also identifies the recipient of the voice message. The message identifier is added to the SMS message and sent to the recipient. The recipient can read the SMS message and retrieve the voice message, from the multimodal platform or from a multimodal SMS application, through the message identifier. Kleindienst in view of Rukman does not teach or suggest assigning a unique message identifier to the recorded voice message, much less disclose assigning a message identifier which is a combination of a user identifier and a network identifier assigned by a network pool. Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitations:

"assigning a unique message identifier to the voice message, wherein the message identifier comprises a user identifier combined with a network identifier, wherein the message identifier is assigned by a network pool, and wherein the unique message identifier is associated with the recipient;" in claims 1 and 18, and

"adding the message identifier to the SMS message;" in claims 1 and 18.

Furthermore, applicant discloses **transmitting the SMS message to the recipient** via a connection, for example, over a wireless network **for notifying the recipient** that a voice message has been recorded, and **for providing a link to the recipient** which when activated allows the recipient to retrieve the voice message. The embedded link in the transmitted SMS message connects the recipient to the multimodal platform and/or the speech platform to retrieve the audio portion or other modalities associated with the SMS message through the message identifier. Kleindienst in view of Rukman does not teach or suggest transmitting an SMS message for notifying the recipient of the voice message and for providing a link (for example, a voice link) to a multimodal platform or a speech server for retrieving the voice portion of the SMS message. Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitations:

"transmitting the SMS message to the recipient via a connection that comprises a wireless network for notifying said recipient of said voice message and/or for providing said link to said recipient;" in claims 1 and 18

For the reasons stated above, applicant respectfully submits that claims 1 and 18 are not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 1 and 18 over Kleindienst in view of Rukman be withdrawn.

In response to the rejection of claims 3, 4 and 10 under 35 U.S.C. 103(a), applicant submits that Kleindienst in view of Rukman does teach or suggest all the limitations in claims 3, 4 and 10. Applicant discloses that the recipient of the multimodal SMS message can provide an outgoing SMS message in reply to the multimodal SMS message by accessing the link embedded in the SMS message. In an embodiment, all the outgoing SMS messages to a **defined subset of recipients are intercepted** by a special SMS center. In another embodiment, all the SMS messages sent to a defined subset of receiving users are intercepted by the special SMS center .The special SMS center then either inserts the necessary links itself or forwards the intercepted SMS messages to the multimodal platform for modification (see applicant's disclosure, paragraphs [0045] and [0046]). Although Rukman discloses a gateway between MMS center and SMS center components, Rukman or Kleindienst dos not teach or suggest a special SMS center that intercepts outgoing SMS messages to a defined subset of recipients or users for inserting the link to the multimodal platform. Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitations:

"...further comprising: the recipient providing an outgoing SMS message in reply to the SMS message by accessing the link" in claim 3;

"wherein the outgoing SMS message is intercepted by an SMS center if the recipient is part of a defined subset of recipients" in claim 4; and

"wherein the step of transmitting the SMS message comprises: an SMS center intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients" in claim 10.

In response to the rejection of claims 8 and 9 under 35 U.S.C. 103(a), applicant submits that Kleindienst in view of Rukman does teach or suggest all the limitations in claims 8 and 9. Applicant discloses that each user or recipient of the multimodal SMS service is associated a virtual service identifier, different from and in addition to a standard identifier provided by the network. The messages sent to the virtual service identifier are directed to the multimodal platform for modification (see applicant's disclosure, paragraph [0042]). Kleindienst in view of Rukman does not teach or suggest associating a virtual service identifier with each recipient of the multimodal SMS service or directing the SMS messages sent to the virtual service identifier to the multimodal platform. Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitation in claims 8 and 9:

"wherein the step of transmitting the SMS message comprises: sending the SMS message to a virtual service identifier number, wherein the SMS message is directed to a multimodal platform" of claim 8; and

"wherein the multimodal platform associates the virtual service identifier number with the recipient" of claim 9.

Claims 2, 6, 7, and 11-17 are dependent on claim 1. Since claim 1 is not obvious over Kleindienst in view of Rukman, applicant respectfully submits that dependent claims 2, 6, 7, and 11-17 are also not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 2, 6, 7, and 11-17 be withdrawn.

Claim 5 has been canceled. Therefore the rejection of claim 5 under 35 U.S.C. 103(a) is moot.

Claims 19 is dependent on claim 18. Since claim 18 is not obvious over Kleindienst in view of Rukman, applicant respectfully submits that dependent claim 19 is also not obvious over Kleindienst in view of Rukman, and requests that the rejection of claim 19 be withdrawn.

Claim 20 has also been canceled. Therefore the rejection of claim 20 under 35 U.S.C. 103(a) is moot.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of Examiner Herrera, a telephone conference would expedite the prosecution of this application, Examiner Herrera is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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